

February 5, 2010

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

H & H TRANSFORMER, INC.,  
a Colorado corporation,

Plaintiff - Appellant,

v.

BATTELLE ENERGY ALLIANCE,  
L.L.C., a Delaware limited liability  
company doing business in Colorado,

Defendant - Appellee.

No. 09-1524  
(D.C. No. 1:09-CV-00442-WYD-BNB)

**ORDER**

This matter is before the court on the Joint Motion to Dismiss with Prejudice. The motion is granted. Each party shall bear its own costs.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk